



DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT BRAGG
2175 REILLY RD STOP A
FORT BRAGG NC 28310-5000

AFZA-CG

MAR . 5 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commanding General's Policy Memorandum #2: Adverse Administrative Actions for Drug/Alcohol-Related Offenses, Withholding of Drug-Related Misconduct, and Senior Leader Misconduct Notification Requirements

1. Scope and Applicability. This policy only applies to Soldiers assigned or attached to the general court-martial convening authority (GCMCA) jurisdiction of the Fort Bragg Commander as outlined by the XVIII Airborne Corps and Fort Bragg Supplement 1 to AR 27-10. It does not apply to Soldiers assigned or attached to these GCMCA's on Fort Bragg: U.S. Army Forces Command, U.S. Army Reserve Command, Joint Special Operations Command, U.S. Army Special Operations Command, and 82nd Airborne Division.

2. Administrative Actions Regarding Drug- and Alcohol-Related Offenses.

a. The abuse of alcohol or the use of illicit drugs by uniformed and Civilian personnel is inconsistent with Army Values, the Warrior Ethos, and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission.

b. Mandatory Initiation of Administration Separation for Use of Illicit Drugs.

(1) In addition to the requirements set forth in Army Regulation (AR) 600-85 regarding administrative separation requirements for drug- and alcohol-related offenses, commanders will initiate administrative separation upon a Soldier for any unlawful use of drugs.

(2) I expect commanders to continue to exercise independent discretion in recommending or determining whether a Soldier should be retained or separated from the service. However, each administrative separation action will be completed and forwarded by subordinate commanders to the appropriate separation authority in accordance with AR 600-85 and AR 635-200 (enlisted) or AR 600-8-24 (officers).

(3) None of the guidance above limits a commander's authority to take other adverse administrative, non-judicial, or judicial action deemed appropriate, subject to the limitations imposed in XVIII Airborne Corps and Fort Bragg Regulation 190-5, XVIII Airborne Corps and Fort Bragg Supplement 1 to AR 27-10, or other applicable law and regulations. Commanders should consult with their unit legal advisor in deciding whether to take additional adverse action in a given case.

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c. **Mandatory Written Reprimand.** Soldiers who drive under the influence of alcohol or drugs will receive a written reprimand, administrative in nature, by a general officer per AR 190-5, para 2-7a. Subordinate commanders will forward to this headquarters any qualifying offense to the Staff Judge Advocate for consideration for a reprimand.

d. **Initiation of Administration Separation for an Alcohol-Related Offense.** In addition to existing separation policies for alcohol, a commander may choose to initiate an administrative separation for a Soldier after one alcohol-related offense.

3. Drug-Related UCMJ Misconduct Withholding of Authority. I withhold authority to dispose of drug-related misconduct through non-judicial punishment under Article 15, UCMJ, to the summary court-martial convening authority (SCMCA) with jurisdiction over the suspected offender. Subordinate commanders will swiftly forward allegations of illegal drug use, possession, or distribution to the SCMCA with supporting evidence and recommendation for appropriate disciplinary actions. This withholding of authority does not prejudice the appropriate disposition of any particular case, imply a specific outcome is expected, or prevent subordinate commanders from requesting the SCMCA release back disposition authority on a case-by-case basis.

4. Senior Leader Misconduct Notification Requirements and Withholding of Authority.

a. **Notification Requirements.**

(1) Special court-martial convening authorities (SPCMCA) will report any allegation of misconduct committed by all commissioned and warrant officers and all noncommissioned officers in the grade of E-8 and above or those serving in a First Sergeant billet to me as soon as practicable, but no later than 24 hours after learning of the allegation.

(2) A SPCMCA must notify me before suspending any commissioned and warrant officers and all noncommissioned officers in the grade of E-8 and above or those serving in a First Sergeant billet from their duties. I withhold authority to relieve any commissioned and warrant officers and all noncommissioned officers in the grade of E-8 and above or those serving in a First Sergeant billet.

(3) Commanders will notify me via e-mail and copy the Deputy Commanding General, Chief of Staff, and Staff Judge Advocate.

b. **Withholding.** I withhold authority to dispose of all allegations of misconduct committed by any commissioned and warrant officers and all noncommissioned officers in the grade of E-8 and above or those serving in a First Sergeant billet. This includes,

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for example, the authority to dispose of cases under Article 15, UCMJ, initiate administrative separations for enlisted Soldiers, issue letters of concern or reprimand, approve or disapprove findings and recommendations for any inquiry or investigations per Rule for Court-Martial (RCM) 303 and AR 15-6, and approve a relief for cause. Subordinate commanders retain authority to conduct performance-based counseling, initiate and conduct (but not finally approve) an inquiry into senior leader misconduct per RCM 303 and AR 15-6, temporarily suspend Soldiers from duty positions, and prefer court-martial charges per RCM 307.

c. Requests to Return Jurisdiction.

(1) A subordinate commander may request I return jurisdiction to them to dispose of senior leader misconduct. These requests will be in writing and transmitted through the Staff Judge Advocate to the Fort Bragg Commander.

(2) Commanders at all levels are reminded, under the provisions of RCM 306(a), no superior authority, including the undersigned, can direct or influence them to choose a particular disposition or recommendation for offenses of which jurisdiction has not been withheld.

5. History. This memorandum supersedes Commanding General's Policy Letter #8 (Mandatory Initiation of Administrative Separation for Drug and Alcohol Related Offenses), 15 May 2018; Policy Memorandum #11 (Senior Leader Misconduct Withholding Policy), 17 August 2017; Policy Letter #12 (Processing Policy for Enlisted Involuntary Separations), 2 March 2018; and, in part, XVIII Airborne Corps & Fort Bragg Supplement 1 to AR 27-10 (Military Justice), 12 March 2014, at para 1-4(f)(1)(a).

6. The proponent of this policy is the Staff Judge Advocate at 910-396-5306.



MICHAEL E. KURILLA
Lieutenant General, USA
Commanding

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